

THIS NEW RULE WAS APPROVED BY THE UTAH STATE BOARD OF
EDUCATION ON FIRST AND SECOND READING ON APRIL 4, 2008.

DRAFT
APRIL 4, 2008

1 **R277. Education, Administration.**

2 **R277-525. Special Educator Stipends.**

3 **R277-525-1. Definitions.**

4 A. "After the school year" means three weeks after the
5 final day of the required contract period, as determined by
6 the employer. For year-round schools, "after the school year"
7 means off-track periods, but not vacation periods.

8 B. "Before the school year" means two weeks before the
9 first day of the required contract period, as determined by
10 the employer.

11 C. "Board" means the Utah State Board of Education.

12 D. "Duties related to the IEP process" means:

13 (1) duties/responsibilities provided in 53A- 17a-156(4);

14 (2) preparing paperwork related to the implementation of
15 IDEA; and

16 (3) other duties or responsibilities related to the IEP
17 process, as determined by the special educator.

18 Duties related to the IEP process do not include:

19 (1) professional development;

20 (2) district level planning; and

21 (3) direct student instruction.

22 E. "Federal law regulating students with disabilities"
23 means the Individual with Disabilities Education Act (IDEA),
24 Title 1, Part A, Section 602.

25 F. "Special educator," for purposes of this rule, means:

26 (1) a licensed special education teacher as defined under
27 53A-17a-158(c); or

28 (2) a licensed speech-language pathologist as defined
29 under Section 53A-17a-158(c).

30 G. "Special education teacher" means an individual who
31 has a Utah educator license with a special education area of
32 concentration and whose primary assignment is the instruction

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of students with disabilities who are eligible for special
education services.

H. "Speech-language pathologist" means an individual who
has a Utah educator license with a speech-language pathologist
area of concentration or a speech-language pathologist license
and whose primary assignment is the instruction of students
with disabilities who are eligible for special education
services.

I. "USOE" means the Utah State Office of Education.

J. "Work day for special educator" means the special
educator's contract day as determined by the employer.
Stipends shall only be paid for actual days worked. A teacher
shall not be paid if days/hours are not actually worked. Days
are not transferable among teachers.

R277-525-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article
X, Section 3 which vests general control and supervision of
public education in the Board, Section 53A-1-401(3) which
permits the Board to adopt rules in accordance with its
responsibilities, and Section 53A-17a-158 which requires the
Board to distribute money appropriated for stipends for
special educators for additional days of work.

B. The purpose of this rule is provide standards and
procedures for distributing money appropriated for stipends
for special educators for additional days of work:

(1) in recognition of the added duties and
responsibilities assumed by special educators to comply with
federal law regulating the education of students with
disabilities; and

(2) the need to attract and retain qualified special
educators.

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64 **R277-525-3. School District/Charter School Responsibilities.**

65 A. School districts and charter schools shall contract
66 with individual special educators, defined under R277-525-1F,
67 and request in writing from the special educators:

68 (1) the number of days (not to exceed 10 or the number
69 of days established by the Board) that the special educator
70 commits to work consistent with R277-525-1G and H; and

71 (2) the time period (before the school year begins or
72 after the school year ends) that the special educator commits
73 to working the additional days.

74 B. School districts/charter schools shall annually
75 provide the information received from special educators
76 employed by the district or charter school on a form provided
77 by the USOE:

78 (1) before July 1 for special educators currently
79 employed; and

80 (2) before October 15 for special educators hired after
81 July 1.

82 C. Special educators hired by school districts/charter
83 schools after October 15 shall receive funding for extra days
84 to the extent of funds available.

85 D. School districts/charter schools shall submit an
86 invoice to the USOE twice within a fiscal year (July 1 to June
87 30) for reimbursement for additional contract days worked by
88 special educators as follows:

89 (1) no later than October 1 for special educators who
90 worked before the school year began; and

91 (2) no later than June 30 for special educators who
92 worked after the school year ended.

93 E. School districts/charter schools shall submit a final
94 report to the USOE no later than June 30 annually that
95 provides:

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(1) the number of contract days worked by designated
special educators;

(2) data and information compiled about hours, duties and
responsibilities completed by special educators during
additional days on a tracking and accounting form provided by
the USOE or using another form acceptable to the USOE; and

(3) other assessment or evaluation information requested
from the USOE.

R277-525-4. Board/USOE Responsibilities.

A. The Board shall annually review this program and
determine, based upon the annual appropriation, the number of
special education days that shall be funded.

B. To simplify accounting and evaluation requirements
for school districts and charter schools, the USOE shall:

(1) provide model tracking and accounting materials to
school districts and charter schools before June 1, 2008.

(2) provide a checklist of appropriate duties or tasks
for special educators consistent with R277-525-1D.

(3) distribute funds to participating school districts
and charter schools for eligible special educators on a
semiannual basis.

(4) request and collect data regarding use of days for
appropriate accountability and evaluation.

KEY: special educators, stipends

Date of Enactment or Last Substantive Amendment: 2008

Authorizing, and Implemented or Interpreted Law: Art X Sec 3;

53A-1-401(3); 53A-17a-158